D.B. CIVIL SPECIAL APPEAL (W) NO.55/2007

Kamal Sharma

Vs.

State of Rajathan and Ors.

Date of Order :: 13.4.2007

HON'BLE MR JUSTICE RAJESH BALIA
HON'BLE MR JUSTICE BHANWAROO KHAN

Mr. P.S. Chundawat, for the appellant.
Mr. Rameshwar Dave, Dy. Govt. Advocate.

Having heard learned counsel for the parties, in our opinion this appeal must fail.

The contention raised by the appellant before learned Single Judge and before us is that he has received call letter for interview in connection with selection for the posts of Teacher in pursuance of advertisement Annexure-10 dated 28.7.2003 only on 3.9.2003 leaving him no time to attend the interview for the verification of his documents. He has further alleged that the interview call has not been dispatched within reasonable time from 3.9.2003, but has been dispatched only after 31.8.2003 so as to exclude persons of other District to participate.

The learned Single Judge has dismissed the writ petition.

It has been pointed out by learned counsel for the appellant that according to learned Single Judge also all call letters were dispatched either on 31.8.2003 or on 1.9.2003 which supports the appellant's contention that interview calls were not sent within reasonable time of interview date so as to reach the candidates in time enabling them to join.

The contention appears to be facile, but on scrutinizing advertisement, fails the test of judicial review.

In the detailed instructions contained in advertisement, it was very clearly stated that the date of interview for the post in the schools for boys/girls is 3.9.2003. The purpose of interview was also disclosed that for the interview the candidate was required to bring with him the original documents for verification of the copies filed alongwith application. No marks were to be allotted for the interview because the purpose of interview was not to determine the merit, but was to verify the documents.

This information was already with the appellant- petitioner and yet he has not availed

the opportunity, therefore, he cannot find fault with the dispatch of the interview calls.

Moreover, it has been averred by the respondents in the return that on 3.9.2003 the petitioner had appeared at Bikaner and taken a chance of appointment against vacancy in Bikaner district and having failed to find his place in merit at Bikaner has taken recourse to writ petition to chance for appointment at Chittorgarh. Apparently, in terms of the advertisement, petitioner could not have taken a chance at two places on the same date. Option was his to choose whereto seek appointment.

We find merit in this appeal.

Accordingly, the appeal fails and is hereby dismissed.

No costs.

(BHANWAROO KHAN),J. (RAJESH BALIA),J.

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